

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**JOHN JOHNSON, # 137820**

**PETITIONER**

V.

CIVIL NO.: 1:14cv444-HSO-JCG

**MISSISSIPPI DEPARTMENT OF  
CORRECTIONS, and MARSHALL L.  
FISHER**

## **RESPONDENT**

## **CERTIFICATE OF APPEALABILITY**

A final order adverse to the applicant having been filed in the captioned case, in which the detention complained of arises out of process issued by a state court or a proceeding pursuant to 28 U.S.C. § 2254, or the detention arises out of a judgment and conviction in federal court which is being challenged pursuant to 28 U.S.C. § 2255, the Court, considering the record in this case and the requirements of 28 U.S.C. § 2253, Rule 22(b) of the Federal Rules of Appellate Procedure, and Rule 11 of the Rules Governing Section 2254 and 2255 Cases in the United States District Courts, hereby finds that:

- X A Certificate of Appealability should not issue. The applicant has failed to make a substantial showing of the denial of a constitutional right.

  A Certificate of Appealability should issue for the following specific issue(s):

## REASONS:

Petitioner has not made a “substantial showing of the denial of a constitutional right.” See 28 U.S.C. § 2253(c)(2); *Elizalde v. Dretke*, 362 F.3d 323, 328 (5th Cir. 2004). The Petition [1], the record, and relevant legal authorities do not demonstrate that Petitioner is entitled to relief under 28 U.S.C. § 2254. See Order Adopting [13] Report and Recommendation, Granting [8] Motion to Dismiss, and Dismissing [1] Petition for Writ of Habeas Corpus.

DATE: August 3, 2015.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN  
UNITED STATES DISTRICT JUDGE